

**IN THE DRAWINGS**

Applicants acknowledge that the Examiner has accepted the drawings filed on May 14, 2001.

## **REMARKS**

Claims 1-3 and 5-11 are pending in the present application. By this amendment, claims 1, 6, 9, 10, and 11 have been amended as to matters of form without introducing any new subject matter. The Examiner's objections and rejections are respectfully traversed in view of the remarks set forth below.

As an initial matter, Applicants note that an acknowledgment of a claim for foreign priority based on an application EP00304249 filed in the European Patent Office on May 19, 2000 is indicated by the Examiner. The Examiner cites 35 U.S.C. §119 (b) for submitting a certified copy of the European Patent Application EP00304249. It is respectfully submitted that, Applicants mailed a certified copy of this European Patent Application on May 14, 2001 to the US Patent and Trademark Office, as evidenced by the receipt of the postcard that was mailed via Express Mail Number ET316936702US. A copy of this postcard received back from the US Patent and Trademark Office is enclosed. Reconsideration of the Application is respectfully requested.

In the Office Action, claims 1, 6, 10, and 11 were objected to because of various informalities. Claims 1, 6, 10, 11 have been amended. In particular, independent claims 1, 10, and 11 have been re-written in a format suggested by the Examiner. Accordingly, Applicants respectfully request that the Examiner's objections to claims 1, 6, 10, and 11 be withdrawn.

In the Office Action, claims 1-3, 5-7, and 10 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,608,832 B2 to Forslow (*Forslow*). Applicants respectfully traverse the Examiner's rejections.

It is respectfully submitted that the Examiner erred in rejecting independent claim 1 and dependent claims therefrom. An anticipating reference, by definition, must disclose every

limitation of the rejected claim in the same relationship to one another as set forth in the claim.

Claim 1, among other things, calls for a mobile radio system comprising a first network, a second network, a first real time media gateway providing access to and from the first network, and a second real time media gateway providing access to and from the second network, wherein the first and second real time media gateways comprise a common gateway. The Examiner relies upon the *Forslow* reference, asserting that all the elements of claim 1 are taught by *Forslow*. The Applicants respectfully disagree. *Forslow* at least does not teach the first and second real time media gateways that comprise a common gateway. In *Forslow*, the SGSN 50 is used for non-real time data applications. See *Forslow*, col. 5, lines 47-48. Based on the above-indicated legal standard, it is respectfully submitted that the *Forslow* reference fails to anticipate claim 1, thus, claim 1 and claims dependent there from are in condition for allowance which is respectfully requested of the Examiner.

Claim 1 does call for a mobile radio system comprising a plurality of mobile stations and first and second real time media gateways. While the first real time media gateway provides access to and from a first network comprising a plain switched telephone network and/or an integrated services digital network, the second real time media gateway provides access to and from a second network comprising a public internet system. The first and second real time media gateways may comprise a common gateway. The real time data may be directed to through either the first or second real time media gateway without passing through a third general packet radio system (GPRS) specific gateway providing access to and from the second network. Thus, claim 1 states that real time traffic from a mobile station may be routed directly to one of the two real time media gateways. For example, Voice Internet Protocol traffic may be routed via two routes. In other words, if the call traffic is going to the first network, the first real

time media gateway may be used. Otherwise, if the call traffic is directed to the second network, the second real time media gateway may be used. See patent application, page 4, lines 6-9. The specification further describes that a real time transport protocol based media gateway (MGW) 28 may be used to connect the mobile station 22 to the first network (the PSDN/ISDN 26). Likewise, to connect to the second network (the IP backbone 30) a first route involves a real time transport protocol based media gateway 32. A second route to the second network, *i.e.*, the IP backbone 30, involves a SGSN 34 and a GGSN 36. Thus, the claims, when read in light of the specification, indicate that the real time data, such as Voice Internet Protocol traffic can reach the IP backbone network 30 by incurring less header content. See the Applicant's patent specification, page 3, lines 8-19.

According to the Examiner, the intra-PLMN IP backbone 52 is equivalent to the second network, as shown in Figure 2 in *Forslow*. Likewise, the SGSN 50 shown in Figure 2 is asserted to teach a common gateway. That is, in rejecting claim 1, the Examiner argues that the first and second real time media gateways which comprise a common gateway and the SGSN 50 of *Forslow* both provide access to real time data. In other words, the distinction between a real time media gateway and a SGSN that is by definition responsible for delivery of non-real time data packets in a packet-switched network to a mobile station within its service area is completely ignored by the Examiner. That is, according to the Examiner, because *Forslow* teaches SGSN 50 that delivers packets of non-real time data, *Forslow* teaches the first and second real time media gateways that comprise a common gateway. The Applicants respectfully disagree.

*Forslow* does not support the Examiner's argument. The SGSN 50 (the common gateway according to the Examiner) does not direct the data stream to its destination through one

of the first, second real time media gateways where a third general packet radio system (GPRS) specific gateway also provides access to and from the second network. *Forslow* merely permits individual application flows to select type of transfer mechanism (either circuit-switched or packet-switched bearer). The SGSN 50 establishes a logical data link to the mobile station for forwarding the non-real time type packets. See *Forslow*, col. 17, lines 49-61. In other words, the Examiner uses the term “SGSN 50” of *Forslow* and “common gateway” of claim 1 in a manner contrary to *Forslow* teaching. Therefore, for reasons presented above, the “common gateway” recited in claim 1 cannot and is not a “SGSN,” as alleged by the Examiner. For this reason alone, the claim 1 features differ from teachings indicated by the Examiner.

Additionally, *Forslow* at least does not teach an internet protocol connection system, set forth in claim 1. The intra-PLMN IP backbone 52 (the second network according to the Examiner) does not direct the data stream to its destination through one of the first, second real time media gateways where a third general packet radio system (GPRS) specific gateway also provides access to and from the second network. While the intra-PLMN IP backbone 52 enables packet-switched data communications involving non-real time data, the network 52 connects to the SGSN node 50 and the GGSN node 54 only. It is only the mobile station and a mobile network gateway node, such as the ISP 58, include a mapper for mapping individual application flows to one of the circuit-switched network and the packet-switched network bearers depending on the quality of service requested by an individual application flow. At best, the intra-PLMN IP backbone 52 can direct the data stream to the destination through the third GPRS specific gateway. In other words, the intra-PLMN IP backbone 52 does not select a particular gateway in accordance with the nature of the data being real time or non-real time. For this reason, it follows that *Forslow* does not teach the internet protocol connection system claimed in claim 1.

Accordingly, the Examiner's application of *Forslow* to claim 1 is flawed. Claim 1 is thus allowable. For at least the aforementioned reasons, dependent claims 2, 3, 5, 6, and 7 are also allowable.

With respect to rejection of claim 10, Applicants respectfully submit that §102 rejection is improper. The Examiner admits that in *Forslow* there is no teaching of a media gateway controller when rejecting claim 8 at page 5 of the Office Action. That is, the Examiner relies on *Bharatia* to teach the limitation of claim 8, which is similar or same of claim 10 limitation. In this way, the Examiner fails to establish anticipation based on the teaching of *Forslow*. Accordingly, claim 10 for at least the aforementioned reasons is allowable.

In the Office Action, claims 8, 9 and 11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Forslow* in view of U.S. Patent Application Publication 2001/0031635 A1, Bharatia (*Bharatia*). It is respectfully submitted that claims 8, 9 and 11 can not be rendered obvious in a *prima facie* manner in view of *Forslow* and *Bharatia*, considered either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As discussed above, *Forslow* is completely silent with regard to a media gateway controller for controlling a first, second real time media gateway and a third GPRS specific gateway and a SGSN. The Examiner relies on *Bharatia* to teach this limitation of claim 8. *Bharatia* describes techniques for supporting operation of a mobile terminal between intergenerational wireless networks. However, *Bharatia* is completely silent with regard to a media gateway controller, as set forth in claim 8, to control multiple gateways dealing with real time and non-real time data.

To reject claim 8, the Examiner cites to element 118, *i.e.*, the media gateway control function (MGCF) 118 in Figure 1A. This citation by the Examiner by no means support the

Examiner's contention that the MGCF 118 described in *Bharatia* corresponds to the media gateway controller of claim 8. In fact, *Bharatia* indicates otherwise, since the described embodiments clarify that the MGCF 118 provides connection control for media channels in a media gateway function (MGW) 120a, 120b which supports different circuit-switched services. In other words, the MGCF 118 provides connection control for a single network, *i.e.*, the PSDN/PLMN 102 for supporting different circuit-switched services. See *Bharatia* page 5, paragraphs 0087 and 0088.

Furthermore, the cited references provide no suggestion or motivation to modify the prior art to arrive at Applicant's claimed invention. To the contrary, *Bharatia* teaches away from providing a media gateway controller that controls a first and second real time gateways and a third GPRS specific gateway, for controlling non-real time data. In particular, *Bharatia* teaches that the MGCF 118 supports the circuit-switched services, *i.e.*, only real time data. The MGCF 118 is completely silent as to controlling non-real time data. It is well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious. Accordingly, the §103 rejection of claim 8 is clearly improper. Applicants respectfully request the allowance of claim 8 for at least the reasons set forth above.

Regarding rejection of claims 9 and 11, the Examiner asserts that element 110b, *i.e.*, call state control functions (CSCF) 110b provides the call control server. To the contrary, *Bharatia* teaches away from controlling calls between a specific gateway (the third GPRS specific gateway) and a network (the second network). In particular, *Bharatia* teaches that the CSCF 110b may also perform temporary address handling for inter-working routing. See *Bharatia*, page 4, paragraph 0079.

Claim 9 includes a call control server for controlling calls between the third GPRS specific gateway and the second network by providing access to and from the second network. The Examiner alleges that *Bharatia* teaches managing calls and services between two networks. The Examiner cites to *Bharatia*, page 4, paragraph 0076.

As noted, the Examiner overlooks the nature of controlling calls between two networks in *Bharatia*. Thus, according to the Examiner, because *Bharatia* teaches the CSCF 110b for inter-network routing, *Bharatia* teaches controlling calls between a particular gateway and a particular network, as set forth in claim 9. The Applicant's respectfully disagree.

*Bharatia* is directed to managing calls and services between two networks, as acknowledged by the Examiner. The CSCF 110b performs temporary address handling for inter-network routing to provide incoming call gateway functionality and other similar functions. Thus, *Bharatia* does not teach or suggest controlling calls between a specific gateway and a particular network. Accordingly, the Examiner's reliance on *Bharatia* is erroneous. As such, the CSCF 110b can manage calls and services between two networks, the PSDN/PLMN network 102 and the multi-media IP network 104 shown in Figure 1A in *Bharatia*. The Examiner fails to provide any support from *Bharatia* as to precisely which gateway and a network have their calls controlled by a call control server. Claim 9 expressly refers to a third gateway, and the Examiner simply ignores the claimed feature. Accordingly, *Bharatia* fails to teach one or more claimed features of claim 9. Instead, as set forth above, *Bharatia* teaches away from a call control server for controlling calls between the third GPRS specific gateway and the second network. Therefore, claim 9 is allowable.

With respect to rejection of claim 11, claim 9 which is representative of features similar or same features in both the rejected claims 9 and 11 is discussed above. To the extent, the



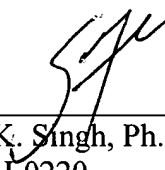
arguments presented above are applicable to the Examiners rejection of claim 9, based on the aforementioned reasons, claim 11 is also in condition for allowance, which is respectfully requested of the Examiner.

In view of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4089 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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